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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/805,227 | 03/14/2001 | Kazuo Yoshikawa | KAW-249-USAP | 8557 |
| 28892 | 7590 | 10/20/2005 | EXAMINER | |
| SNIDER & ASSOCIATES | | | YODER III, CHRISS S | |
| P. O. BOX 27613 | | | ART UNIT | |
| WASHINGTON, DC 20038-7613 | | | PAPER NUMBER | |

2612

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 09/805,227 | Applicant(s) YOSHIKAWA, KAZUO | |
| | Examiner Chriss S. Yoder, III | Art Unit 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 07/15/2005 have been fully considered but they are not persuasive.

Applicant argues, with respect to claim 1, that "Edwards is never corrected for a shift in focal point, has no concern for longitudinal chromatic aberration arising in photographic lenses, has no relationship to any optical filter, actuator for changing thickness of a variable thickness optical filter, correlation between photographing conditions and thickness of variable thickness optical filters." However, the Examiner points out that Edwards was not relied upon to teach these features. Edwards was merely used to teach the use of an image sensor that picks up both visible-light and infrared light.

Applicant also argues that Edwards utilizes light from infrared, visible and ultraviolet receptors simultaneously, and that it makes no sense to shift the focal point when changing from a visible light range to an infrared range. However, the Examiner points out that the claim does not state that the shift of the focal point is when changing from the visible to infrared range.

Applicant also argues, with respect to claim 1, that the Examiner has failed to note that the filters in Masson are indeed in interacting and coacting because they are geared together as shown in figure 1. However, the examiner points out that the use of only one filter is considered to be the functional equivalent of Applicant's claimed invention.

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Applicant also argues in regard to Masson that there has to a memory for storing a correlation table defining a correlation between photographic conditions and the thickness of the variable thickness optical filter which can correct said in optical point, cannot occur. Morofuji was relied upon to teach the use of a correlation table defining a correlation between photographic conditions and the thickness of the variable thickness optical filter which can correct said in optical point.

Applicant also argues, with respect to claim 1, that Morofuji does not teach thickness control means for controlling an actuator on the basis of a memory, and that Morofuji bases the correction on vibration, not focus and thickness control as claimed. The Examiner points out that Morofuji teaches the use of a thickness control means for controlling an actuator on the basis of a memory (column 15, lines 33-39), and that the correction is based vibration, but the vibration is considered to be the photographing condition, by using the stored values for focus and thickness (column 5, lines 33-39).

This action is now made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masson (US Patent # 4,249,204) in view of Edwards et al. (US Patent # 5,745,173) and further in view of Morofuji (US Patent # 6,343,188).

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2. In regard to claim 1, note Masson discloses the use of a means for correcting a shift in focal point caused by longitudinal chromatic aberration (column 1, lines 41-57; and figure 1), the device comprising a variable-thickness optical filter (figure 1: 2; when the actuators, 7a -7b, move the plates of device 2, the thickness is adjusted; the group of prisms, 2, consisting of prisms 2a-2b are considered to be the variable-thickness optical filter; group 3, is considered another separate variable-thickness optical filter, therefore, group 2 is considered to be the equivalent of applicants variable-thickness optical filter) interposed between a photographing lens system (1) and said image pickup device (column 1, lines 57-62; column 4, lines 35-47), an actuator for changing the thickness of said variable-thickness optical filter (figure 1: 7a and 7b; changing the thickness of filter group 2), and a thickness control means for controlling said actuator (column 6, lines 46-48).

Therefore, it can be seen that the Masson device lacks the use of an image sensor that picks up both visible-light and infrared light, a memory for storing a correlation table defining a correlation between photographing conditions and the thickness of said variable-thickness optical filter, and a thickness control means that controls said actuator on the basis of said memory.

Edwards discloses the use of an image sensor that picks up both visible-light and infrared light (column 2, lines 41-45). Edwards teaches that the use of an image pickup device that picks up both visible-light and infrared light is preferred in order to provide an improved camera system which produces a clear image during all visibility and weather conditions (column 1, lines 35-37). Therefore, it would have been obvious to

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one of ordinary skill in the art to modify the Masson device to include the use of a dual-use visible-light/infrared image pickup device as suggested by Edwards.

Morofuji discloses the use of a memory storing a correlation table defining the correlation between a photographing conditions and the thickness of a variable angle prism (column 15, lines 33-39; the shake of the camera is considered to be the photographing conditions). Morofuji also teaches a thickness control means for controlling an actuator on the basis of said memory (column 15, lines 40-45). Morofuji teaches that the use of a memory for storing a correlation table defining a correlation between photographing conditions and the thickness of said angle prism is preferred in order to correct the error and to operate the device at optimum characteristics (column 15, lines 45-47). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Masson device to include the use of a memory for storing a correlation table in order to correct the error and to operate the device at optimum characteristics, as suggested by Morofuji.

3. In regard to claim 2, note Masson discloses the use of a variable-thickness optical filter that is formed from two wedge-shaped prisms combined together to form a parallel-plane plate, and the overall thickness of said variable-thickness optical filter can be changed, by means of moving said prisms in opposite directions while oblique lines of said prisms remain in contact with each other (figure 1: 2; the overall thickness of filter 2 is changed).

4. In regard to claim 3, note Morofuji discloses that the variable-thickness optics are constructed such that the overall thickness of said variable-thickness optical filter can be

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changed by means of shifting liquid filled in the space defined between the two parallel plates (column 73, lines 49-56; and figures 8-9, the thickness is adjusted as in figure 9).

5. In regard to claim 4, note Masson discloses that the photographing conditions correspond to a focal point (column 4, lines 17-27) and Morofuji also discloses that the photographing conditions correspond to a focal point (column 13, lines 15-24; the offset that is stored is considered to be the offset of the focal point of the input image).

6. In regard to claim 5, note Masson discloses that the photographing lens is a zoom lens (column 1, lines 54-57).

7. In regard to claim 6, note the primary reference of Masson in view of Edwards and Morofuji discloses the limitations as claimed in claim 1. Therefore, it can be seen that Masson in view of Morofuji lacks the use of a fixed-focus lens as the photographing lens. Official Notice is taken that the concept and the advantages of using of a fixed-focus lens as the photographing lens are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the image pickup device taught in Masson in view of Morofuji to include the use of a fixed-focus lens as the photographing lens in order to give the user the simplicity of a "point and shoot" camera system.

8. In regard to claim 7, note although Masson does not explicitly discloses that the image pickup device is a monitoring camera, this is merely an intended use and any camera can be used as a monitoring camera.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
October 3, 2005



NGOC-YEN VU
PRIMARY EXAMINER